

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT CHRISTOPHER JIMENEZ,

No. C 06-3549 SI (pr)

Petitioner,

**ORDER RE. DEADLINE FOR  
ELECTION BY PETITIONER**

v.

D. SISTO, warden,

Respondent.


Robert Christopher Jimenez filed this pro se action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed an answer in which he asserted that state judicial remedies had not been exhausted for most of the claims in the petition. On May 1, 2008, the court issued an order in which it found that state judicial remedies had not been exhausted for most of the claims and required Jimenez to choose what to do about the unexhausted claims in his petition (i.e., dismiss the unexhausted claims, dismiss the action, or move for a stay). Jimenez was ordered to file a notice of election and any motion for a stay by June 20, 2008.

Jimenez has sent several letters asking for an extension of time to make his election due to his transfer to a new prison and limited law library access. In one of his letters, however, he wrote that he "choose to ask the Supreme Court to exhaust my motions then send you there response." Docket # 19 (errors in source). Another letter (i.e., docket # 20) appears to indicate that he believes he had to receive a response from the California Supreme Court by June 20, 2008 – that is a mistaken belief, as he only had to notify this court of his choice by the deadline.

1 The court grants Jimenez's request for an extension of the deadline. Jimenez must file  
2 and serve his notice of election and any motion for a stay no later than **October 3, 2008**. No  
3 further extensions of this deadline will be granted. Little, if any, legal research in the law library  
4 is required for Jimenez to prepare the notice of election and motion for a stay – especially since  
5 the court's May 1, 2008 order already explained what information needed to be provided. By  
6 the time the October 3, 2008 deadline arrives, Jimenez will have had five months to prepare his  
7 notice and any motion for a stay.

8 IT IS SO ORDERED.

9 DATED: August 31, 2008

  
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SUSAN ILLSTON  
United States District Judge